

**APPROVED MINUTES
YORK COUNTY PLANNING COMMISSION**

Regular Meeting
York Hall, 301 Main Street
December 10, 2003

MEMBERS

Nicholas F. Barba
John R. Davis
Frederick W. Harvell
Alexander T. Hamilton
Robert D. Heavner
Alfred E. Ptasznik, Jr.
Andrew A. Simasek

CALL TO ORDER

Vice Chair Alfred Ptasznik, Jr. called the regular meeting to order at 7:00 p.m.

ROLL CALL

The roll was called and all members except Chair Simasek were present. Staff members present were James E. Barnett, Jr., J. Mark Carter, Timothy C. Cross, Amy Parker, and Maggie Costello.

REMARKS

Vice Chair Ptasznik remarked that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

Mr. Ptasznik recognized and welcomed Mr. Jeff Wassmer of the Leadership Institute of the Virginia Peninsula Chamber of Commerce.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARING

Application No. UP-628-04, Mina P. Bailey: Request for a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning

Ordinance, to authorize a beauty shop as a home occupation within a single-family detached dwelling on a 0.29-acre parcel of land located at 219 Susan Newton Lane (Route 1651) and further identified as Assessor's Parcel No. 37-23-4-52. The property is zoned PD (Planned Development) and the Comprehensive Plan designates this area for Medium-Density Residential development.

Ms. Maggie Costello, Planner, summarized the staff memorandum to the Commission dated December 2, 2003, in which the staff recommended approval.

Mr. Hamilton inquired if a special water filter was required.

Vice Chair Ptasznik opened the public hearing.

Ms. Mina P. Bailey, 219 Susan Newton Lane, spoke in behalf of her application. Responding to Mr. Hamilton's question, Ms. Bailey explained that the state required vacuum breakers for shampooers, and she has that.

Mr. Barba asked if any neighbors had objected to the proposal, and Ms. Costello said none had contacted the staff with objections nor had there been any inquiries from neighbors of the applicant.

Mr. Heavner inquired if the garage would be used for any other purpose, commenting on the large area requested for the special use. Ms. Bailey said the work area would be only a portion of the entire garage area, which would include a laundry room and utility room.

Mr. Davis wanted to know if the applicant would be required to maintain licensing. Ms. Costello said that is not a condition of the proposed use, and Mr. Davis recommended the County add it as a condition.

Mr. Heavner asked if the use permit would remain in effect if the applicant were to sell the property, allowing another to advertise it as a home beauty shop. **Ms. Costello** said it would, explaining that a use permit goes with the land as long as any subsequent landowner conforms to all the conditions.

Mr. Barnett further explained that approval of a special use is tantamount to rezoning the property to allow a particular use.

Mr. Ptasznik noted that another jurisdiction places a term limit of three years on such permits to avoid the use staying with the land in the event the property is sold and the term expires. **Mr. Carter** explained that the Zoning Ordinance places an automatic one-year term on use permits, with automatic one-year extensions, as long as the property ownership does not change. He added that the Department of Environmental and Development Services, Division of Zoning and Compliance, conducts annual reviews on each special use permit to determine compliance with the conditions of the permit and the Zoning Ordinance.

Mr. Barba moved the adoption of proposed Resolution PC03-36.

PC03-36

On motion of Mr. Barba, which carried 6:0 (Mr. Simasek absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE A BEAUTY SHOP AS A HOME
OCCUPATION AT 219 SUSAN NEWTON LANE

WHEREAS, Mina Bailey has submitted Application No. UP-628-03 requesting a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation within a single-family detached dwelling on a 0.29-acre parcel of land located at 219 Susan Newton Lane (Route 1651) and further identified as Assessor's Parcel No. 37-23-4-52; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of December, 2003, that Application No. UP-628-03 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to establish a beauty shop as a home occupation within a single-family detached dwelling on a 0.29-acre parcel of land located at 219 Susan Newton Lane and further identified as Assessor's Parcel No. 37-23-4-52, subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair beauty shop as a home occupation within a single-family detached dwelling on a 0.29-acre parcel of land located at 219 Susan Newton Lane and further identified as Assessor's Parcel No. 37-23-4-52.
2. The conduct of such home occupation shall be limited to the existing attached garage not to exceed 335 square feet.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to Tuesday through Saturday from 9:00 AM to 5:00 PM.

6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Retail sales on the premises shall be limited to incidental sales of shampoo and other hair care products.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the terms of the Zoning Ordinance, a minimum of two (2) off-street parking spaces shall be provided on the premises to accommodate customers. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mr. Hamilton moved adoption of proposed Resolution PC03-37 to adopt the Planning Commission Schedule for 2004.

PC03-37

On motion of Mr. Hamilton, which carried 6:0 (Mr. Simasek absent), the following resolution was adopted:

A RESOLUTION TO ADOPT THE PLANNING COMMISSION SCHEDULE FOR 2004

WHEREAS, the Planning Commission is required by Section 15.2-2214 of the Code of Virginia to fix the time for regular meetings; and

WHEREAS, the Commission designates the second Wednesday of every month as its regular meeting date; and

WHEREAS, the Commission desires that all matters to come before it are scheduled in an orderly and consistent manner;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this 10th day of December, 2003, that it does hereby adopt the Planning Commission Schedule 2004 as its official meeting calendar.

STAFF REPORTS

Mr. Carter reported on recent actions by the Board of Supervisors, including recent adoption of the Yorktown Historic District and Design Guidelines.

Mr. Carter informed the members on future business of the Commission.

COMMITTEE REPORTS

There were no reports.

COMMISSION REPORTS AND REQUESTS

Mr. Davis reiterated his concern about some of the difficulties experienced by citizens after the storm, Isabelle, first expressed to the Commission in October. He asked if Mr. Barnett if the County can require emergency generators for certain types of businesses critical to sustaining life, and Mr. Barnett said his research determined that local government has no authority to change the state liability code. Localities are required to apply state law to new construction, and it appeared to Mr. Barnett that the only method available for the County to obtain the results Mr. Davis desires would be by imposing special use permits on all new commercial construction and adding a condition to require a backup generator.

ADJOURNMENT

Chair Simasek adjourned the meeting at 8:33 p.m.

SUBMITTED: _____/s/_____
Phyllis P. Liscum, Secretary

APPROVED: _____/s/_____
Andrew A. Simasek, Chair

DATE: January 14, 2004